IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

Con.Case(C).No. 1316 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.28075/2004
.....

PETITIONER/PETITIONER:

UNNIKRISHNAN, AGED 47, S/O.NARAYANA PILLAI,
PANNIVIZHA HOUSE, THITTAMEL, CHENGANNUR.

BY ADV. SRI.P.HARIDAS

RESPONDENTS: RESPONDENTS 1 TO 3:
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1. **SRI. V.K. BALAKRISHNAN,**
   (AGE AND FATHER'S NAME NOT KNOWN)
   PRESENTLY WORKING AS DISTRICT COLLECTOR, ALAPPUZHA.

2. **SRI. V.M. RAJAN,**
   (AGE AND FATHER'S NAME NOT KNOWN) PRESENTLY WORKING AS JOINT REGIONAL TRANSPORT OFFICER,CHENGANNUR.

3. **SRI.T.P. OOMMEN,**
   (AGE AND FATHER'S NAME NOT KNOWN) PRESENTLY WORKING AS DY. TAHSILDAR, REVENUE RECOVERY, CHENGANNUR.

BY GOVERNMENT PLEADER SMT. SMITHA SUKUMARAN for R1toR3

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

THOTTATHIL B.RADHAKRISHNAN, J.

Cont. case (C).No.1316 OF 2007

Dated this the 18th day of October, 2007

JUDGMENT

Following the earlier orders, the Village Officer has placed an affidavit on record stating, among other things, that a copy of the order, by which the interlocutory order of stay was extended until further orders, was not communicated to the Village Officer. It is also his case that the copy of that order was not available with the superior revenue officials. Hence, I am inclined to accept the stand taken by the respondents that there was no wilful disobedience of the directions or breach of the interlocutory orders passed in the writ petition. I have today, by a separate judgment, allowed the writ petition quashing the demands made. Under such circumstances, I do not find it justified to proceed further under the provisions of the Contempt of Courts Act. This proceedings is, therefore, closed.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

THOTTATHIL B.RADHAKRISHNAN, J.

Cont. case (C).No.1316 OF 2007

Dated this the 16th day of October, 2007

O R D E R

Affidavit of second respondent is on file. The same is taken on record. I am satisfied that no further proceedings are required against the second respondent. Hence, this contempt case, as against the second respondent, is closed.

2. It is stated by the learned Government Pleader that an affidavit has been placed on record by the third respondent. That is yet to reach the Bench.

3. I have perused a file brought by the third respondent, who has appeared in person. I am not satisfied that the action that is followed on Ext.P3 is above board.

4. Learned counsel for the petitioner submits that the dates stated in para 2 of the C.O.C. regarding the date of death of the petitioner's father and the date of his sapindi ritual are erroneous and the clerical mistake is that the incident was in 2007 and not in 2006. He, accordingly, seeks leave to file an additional affidavit.

5. Having perused the revenue recovery file, it is necessary that the Village Officer, Chengannur, who is stated to be one Sri.K.B.Sasi, appears and files an affidavit touching the episode. He may do so treating that the dates 1.8.2006 and 14.8.2006 in para 2 of the C.O.C. are the respective dates of the year 2007. Such affidavit shall be on record by 18.10.2007.

6. Post on 18.10.2007. The office will retain the file presented by the third respondent.

Hand over copy of this order to the learned Government Pleader. The third respondent will ensure that this order is communicated to the Village Officer.

Page numbers

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.